

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>IN RE:</b>	)	
<b>KRISTINA A. TOWNSEND</b>	)	<b>Case No. 05-21093 NLJ</b>
<b>FLOYD W. TOWNSEND</b>	)	
	)	<b>Chapter 13</b>
<b>Debtors.</b>	)	
<b>SSN: XXX-XX-0666</b>	)	
<b>SSN: XXX-XX-2268</b>	)	

**MOTION TO REOPEN CASE TO ALLOW DEBTORS TO SCHEDULE REAL  
PROPERTY**

Come now the Debtors and for their Motion To Reopen Case To Allow Debtors To Schedule Real Property state:

1. On September 2, 2005 the Debtors filed a voluntary petition under Chapter 7 of the Bankruptcy Code, namely case number 05-21093 WV. The case was discharged on February 8, 2006, reopened in November, 2006 by the Trustee, and subsequently closed on February 21, 2008.

2. At the time of filing the Debtors lived in a home located at RR 3 Box 2304, Chandler, Oklahoma 74834. The Debtors still live in this home today.

3. According to the Lincoln County Assessors office the value of the property at the time the Debtors' bankruptcy was filed was \$100,775.00.

4. The home was at the time of filing, and still is, encumbered by a mortgage held by Mortgage Electronic Registration Systems, Inc., as nominee for Countrywide Home Loans, Inc. with Mrs. Townsend's mother, Betty G. Weiler, listed as the mortgagor.

5. The title to the property is, and has been since December, 2004, titled in the names of both Mrs. Townsend and Ms. Weiler as is evidenced by the Warranty Deed recorded in Lincoln County, Book 1627, Page 290.

6. At the time of filing, the Debtors did not list the property in their schedules “A” or “C” because they believed they were only leasing the property from Ms. Weiler and as such listed the lease on schedule “G”.

7. The Debtors are now in the process of trying to purchase the home from Ms. Weiler so that the mortgage will be in their names, but because it was not listed in their schedule “A” or “C” they are experiencing difficulties with the title company.

8. The Debtors request that the be allowed to reopen their Chapter 7 bankruptcy case for the purpose of scheduling the real property on schedule “A” and claiming an exemption in it on schedule “C”.

Wherefore, the Debtors request the Court to enter an Order Allowing the Debtors to Reopen Their Case to Schedule Real Property.

KRISTINA A. TOWNSEND  
FLOYD W. TOWNSEND

By: s/ Angela N. Stuteville  
O. Clifton Gooding (OBA #10315)  
Angela N. Stuteville (OBA #19231)

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TOWNSEND

**NOTICE OF TIME FOR FILING RESPONSE**

Notice is hereby given that any objections to the above motion must be filed and served upon the Movant within fifteen (15) days, plus three (3) for mailing as required by Rule 9013(e) of the Local Rules for the United States Bankruptcy Court for the Western District of Oklahoma.

If no response is timely filed and served, the Movant may submit an order to the Court for approval without further notice, pursuant to Rule 9013(f) of the Local Rules.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23<sup>rd</sup> day of June, 2009, a true and correct copy of the above referenced document was electronically served using the CM/ECF system, namely:

David Bryant, Chapter 7 Trustee  
Office of the Asst. U.S. Trustee

Further, I certify that on the 23<sup>rd</sup> day of June, 2009 copies of the Motion To Modify Plan were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following at the addresses on the attached mailing matrix.

s/ Angela N. Stuteville  
O. Clifton Gooding  
Angela N. Stuteville